

Remarks

Claims 1-27 are currently pending in the instant application. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited reference.

The Office Action dated January 16, 2007 indicated that claims 1-27 are newly rejected under 35 U.S.C. § 102(a) over Pan *et al.* publication entitled “CHOKe- A simple approach for providing Quality of Service through stateless approximation of fair queueing (March 1999); and claims 1-27 stand also rejected under 37 C.F.R. § 102(a) over Prabhakar *et al.* publication entitled: “CHOKe: A stateless mechanism for providing quality of service in the internet” (1999).

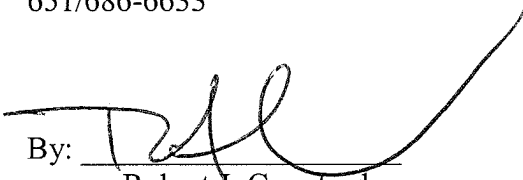
Applicant respectfully traverses the Section 102(a) rejections of claims 1-27, which rely on two publications that comprise Applicant’s own inventive work. First, Applicant notes that the claimed invention is entitled to the priority date of February 28, 2000. Second, Applicant herewith submits the attached Declaration under 37 C.F.R. § 1.131 signed by the instant inventor (Rong Pan) that indicates she also invented subject matter in the two publications to the extent that the teachings correspond. Should there be any concern regarding correspondence between the pending claims and the documents attached to the 1.131 Declaration, Applicant would refer the Examiner to the corresponding provisional documents and the relevant discussion of the attached Declaration. Thus, the two publications are not prior art with respect to the instant application and the rejection is improper. Applicant accordingly requests that the Section 102(a) rejections be withdrawn.

In view of the above discussion, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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Attachment: Declaration under 37 C.F.R. § 1.131